

**UPPER NAZARETH TOWNSHIP  
PLANNING COMMISSION  
100 NEWPORT AVENUE  
NAZARETH, PA 18064**

Minutes of January 25, 2024

The regular meeting of the Upper Nazareth Township Planning Commission was called to order by Chairman Scott Sylvainus at 7:00 p.m. on Thursday, January 25, 2024, in the Township Building.

**ROLL CALL**

The following members were present: Jay Benfield, Pamela Berlew, Jim Campana (arrived late), Scott Sylvainus, Robert Williams, Zoning Officer John Soloe, Assistant Zoning Officer Angela Strohl, Township Solicitor, Gary Asteak, and Recording Secretary Deanne Werkheiser. Township Manager, Lisa Klem, attended virtually.

**APPROVAL OF AGENDA**

Motion was made by Robert Williams, seconded by Pamela Berlew to approve the January 25, 2024, meeting agenda. Motion approved unanimously.

**APPROVAL OF MINUTES**

Motion was made by Jay Benfield, seconded by Robert Williams to approve the January 11, 2024, meeting minutes. Motion approved unanimously.

Heidelberg presentation.

Julie Wagner Burkhart, attorney, stated she has been attending the Zoning Ordinance update meetings on behalf of Heidelberg Materials. Members had copies of the memo that was distributed for the presentation. She reviewed the zones being updated TD 11 replaces the EX-1 zone. TD 1 replaces the AC zone. TD -1 does not allow mineral extraction as a permitted use. At the last Planning Commission meeting it was suggested that a presentation be given to the members as was given to the staff. Heidelberg owns 980 acres of land in the Township. There are areas for open space and areas for expansion of business. We are currently in multiple municipalities. Plant upgrades will be necessary.

Mark Rotz, engineer for Heidelberg, stated his role is to support the Nazareth plant. He put together the presentation. We are looking decades out. He gave a brief history, were formerly Lehigh Hanson. Went through a global rebranding.

Heidelberg Materials is the largest basic construction materials company in the world, North America, and Pennsylvania. They mine and crush limestone for cement. They own Essroc, Greyrock, and Mohawk. He used a Township map to show locations of their properties, quarries, and plants. He gave a brief background on the geological formation, Jacksonburg, required setbacks and buffer properties. One of the properties that allows for extraction is not in the best location. Julie stated that relative to rezoning TD-1, field and woods, is for conservation and open space. TD-11, manufacturing, extraction, and industrial uses, allows for mineral extraction with provisions. This is based on what we have learned so far from the meetings. The proposed changes would have significant impacts on existing permitted areas. It leaves little to no room for expansion. We are proposing shifting six (6) parcels owned by Heidelberg. They are a 44 acre parcel in R2, a 65 acres parcel, 11 acres parcel, a 2.9 acre parcel, a 10 acre parcel and a .3 acre parcel in EX-1 that will become TD-1. We are in agreement with two parcels being changed to TD-1. They are below a residential area and cannot be used for extraction do to the Act that governs our business operations. Mining has to follow the geology. 133.28 acres would be in TD-1. Proposing shifting to TD-11, which allows for extraction, a 207 acre parcel, split in I1 and AC zone, 21.45 acre parcel,

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.81 parcel, and 26.59 parcel in AC zone, and 20.42 acre parcel in R2 zone. We have a 150-year commitment to the Nazareth Area. Policy 7.2 in the Comprehensive Plan, which was adopted, supports continued mineral extraction. Our proposed plan coincides with and is compatible with the Comprehensive Plan and our goals. They also help the Townships goals with preservation and open space. We have minimized truck traffic with the conveyor belt. Scott Sylvainus asked about permit boundaries. Mark replied they were set in 1972 through the Mining Act. In 2015 there were major modifications to permits. At that time we had four (4) permits. Two permits were combined into one. They worked with Zoning Officer John Soloe regarding this. It was completed in 2020. There are areas where the permits have been maxed out. Some allow for expansion. Julie stated they were not currently planning any permit changes. We are looking into this now due to your proposed zoning changes. Scott asked about the conveyor belt. Will it allow for expansion? They responded that they have options that will allow us to keep truck traffic to a minimum, belt, rail, etc. The Lehigh Valley is the birthplace of the cement industry in the USA. This is the area for this industry to continue due to its resources. Scott asked about the timeline for the existing quarries. Mark replied that some have decades on. Managing and blending are what we need to do. Pamela Berlew asked about the whitehouse property. Mark replied Essroc had multiple players with multiple owners. When they were combined some closed. David Assalone, Council for Heidelberg, replied our proposals would include buffer areas and setbacks important for those situations. Quinten McGahey, responsible for Heidelberg operations in the Northeast, stated that since integration in 2016, 50 million dollars has been invested, important for cement in the Northeast. The raw material permits are set by the size of the kiln. Better technology for clinker production. 200 million is proposed for future investments to increase efficiency and modernize the cleaner. He is not sure why some plants were closed in the past, but they may be necessary to open in the future. We do not want to have to purchase raw materials that would need to be trucked in. Our first choice is the conveyor. We are here for the long haul. Scott asked if they were proposing lands going into preserved open space. Julie replied they have not looked into that in-depth but it would help both. Gary Asteak asked if they were planning for residential development on any of their lands. Julie replied No. Gary stated that our idea of open space was nothing on the property. David replied that is what they want as well. Quinten replied that they do not purchase land to develop. They are required to have buffer areas. The missing Zones were questioned. Scott responded that was due to being part of collaborative area. Brian Sayago asked about the suggested changes years down the road. DEP may require changes, then what. Julie replied that Heidelberg does their research and homework. They do not do purchases on speculation. We have been transparent about our plans, know the geology we need, so we are requesting this because of the direction we are going. Quinten stated that they would not sell their properties even if not being mined. We do not want our competitors to acquire the property. We have an obligation of reclamation per our permits. Pamela asked about the whitehouse quarry. Mark reviewed the area that includes a tunnel between the quarries going under Route 248. As technology improves you will be able to extract without disturbing the land above it. We look at the geology and safety for mining. Depends on the surrounding rock. Mark reviewed the geology which is very complex in Pennsylvania. We need to be careful and diligent. Robert Williams stated the presentation was very enlightening. You own 20% of the Township. What will you do to protect the 80% owned by residents. What can you say about the water table, dust, sinkholes, etc. to justify growth. Mark responded that they have done extensive ground water studies. They have steep cones of depression. Most water from rain fall not ground water. Have a limited drawdown. Any expansion would require extensive water studies. Robert asked if they had back up pumps. Mark replied no. They did an analysis up and down the Monocacy Stream, it is not affected by pumping. Quinten stated they rent diesel pumps if needed. Robert stated that they would be a wise to invest in them for the company, community, environment, and future needs. Quinten replied they are a moral company working to lessen impacts on the community. David stated that sinkholes are taken seriously. Our goal is for them not to happen but there is a sinkhole remediation plan that would be followed if needed. Robert asked about changes causing sinkholes. Mark replied groundwater flow does affect sinkholes. We need to plan to stay in formations that do not cause issues. Robert thanked him for his transparency. Quinten briefly reviewed improvements being done for air quality. Jim Campana stated that residents have experienced multiple blasts from other quarries. Will that be done as your quarries expand. Mark replied they are working with a third-party contractor for blasting. We are trying to reduce the number of blasts being done over the course of a year. Jay Benfield asked if blasting sights are guessed because you are not sure what is going to happen. Mark responded that is why we are working to have better technology. We are working with drilling and blasting. A lot of data is being collected.

Pamela Berlew stated that her windshield was broken by a third party trucking company that was used when the conveyor was down. David replied we do not like these types of issues and want to be good corporate neighbors. Pam asked if a conveyor will go out to whitehouse. David replied they do not see that happening. We are looking into all our options. Our goal is to have less trucks on the road, that is why natural expansion is the best option. Quinten stated that they have a conveyor in Maryland that runs over four (4) miles. A brief discussion on conveyors ensued. There were no further questions. Julie thanked the members for taking time to hear the proposal and how it fits into the Zoning Ordinance upgrades. We will wait to hear back from you. Scott replied that they will review what was presented and reach out in a couple of months. Gary Asteak stated we may reach out again as we go through the process. Quinten thanked the members for their time and consideration. We are committed to being a good corporate neighbor.

### **NEWBUSINESS**

Nothing at this time.

### **OLD BUSINESS:**

Zoning Ordinance Review- John Soloe stated that the first draft was received. He distributed the first four chapters. Review and highlight what needs to be fixed and or changed. The districts are still in process. We will review at the February 22, 2024 meeting. Angela stated that since there is nothing on the February 8, 2024 agenda they can be reviewed then as well.

### **COURTESY OF THE FLOOR**

Nothing at this time.

Next meeting is February 8, 2024, at 7:00 PM.  
Zoning Ordinance updates February 22, 2024, at 7:00 PM.

### **ADJOURNMENT**

Motion was made by Jay Benfield, seconded by James Campana to adjourn the meeting at 8:50 PM. Motion approved unanimously.

Respectfully submitted,

Deanne Werkheiser, Recording Secretary